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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,929	05/16/2001	Hiroshi Itou	205467US0PCT	3307

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/19/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/787929

Applicant(s)

Itou et al

Examiner

D. Loney

Group Art Unit

1772

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 5 and 6 and claim 9, line 4, it is unclear as to what is meant by "regularly or irregularly dispersed convex islands". The "irregularly" is especially indefinite since it is not clear if the convex shape can be irregular or not.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by any of the Japanese Abstract JP 9-003755 cited by the applicant, Rasen et al or Disselbeck et al U.S. Pat. Nos 4,631,221 and 5,364,686.

From the Japanese Abstract it is disclosed a non-woven fabric material containing convex islands. Refer to the English Abstract and figures there in along with the P.C.T /JP00/05082 search report.

Rasen et al also teaches a non-woven fabric with convex islands there in. Refer to fig. Nos. 5 and 11 along with column 4, lines 4-15 and column 5, lines 57-59.

Both Disselbeck et al references teach a non-woven fabric sheet with projections (i.e. convex islands). This rejection is being made, even though Disselbeck et al fails to show true

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convex islands, since it is unclear as to what is meant by the "irregular convex islands in the claims". See 35 U.S.C. 112 rejection above, the examiner deems the Disselbeck et al projection's as at least some what irregularly convex since they have some roundness to them. Refer to projection (6) in sheet (3) in the figures along with column 1, lines 57-65, column 3, lines 39-42 and column 4, lines 49-53 in Disselbeck et al '221. Refer to projections (3) in sheet (1) in the figures along with column 4, lines 52-62 and column 5, lines 28-35 in Disselbeck et al '686.

6. Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

Examiner D. Loney/mn

July 9, 2002



**DONALD J. LONEY**  
**PRIMARY EXAMINER**